

To meet federal CWD HCP requirements for farm-raised deer to move interstate, a state program must meet approved forms of official identification. Wisconsin, Illinois, Iowa, Michigan and Minnesota programs are approved as meeting the federal traceability identification requirements. Therefore, all are implementing the federal requirements and all should have similar state rules.

Summary of Factual Data and Analytical Methodologies

This proposed rule does not depend on any complex analysis of data. This proposed rule makes minor, technical changes based on the Division's review and use of the rule, as well as changes made based on discussions with the farm-raised deer industry and other interested parties.

Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of an Economic Impact Analysis

The majority of these proposed rule changes are to make the requirements throughout the rule consistent.

The most significant rule changes (and fiscal impact) relate to FRDKs enrolled in the Wisconsin CWD HCP. Division staff met with representatives of the FRDKs industry in March 2015 to discuss suggested changes to the rules relating to FRD and how to ease some of those requirements while still meeting federal regulations. Many of the small business fiscal effects were developed from that meeting, as well as from discussions with individual FRDKs.

Effect on Small Business

The majority of these rule modifications are technical and have no or minimal fiscal effect. Many of the rule modifications will ease program requirements and may reduce costs to small business.

The entities that may be affected by this rule modification include the following:

1. Veterinarians.

Upon the effective date of the rule, veterinarians and authorized employees or agents of the Department or the federal bureau will be required to take Department-approved training on tuberculosis testing and sample collection within 5 years prior to testing an animal for tuberculosis. Such training is already required of veterinarians testing FRD for tuberculosis. This will be a new requirement for veterinarians who choose to test animals for this disease. Because this training is provided free of charge, there will be no cost to these veterinarians.

2. Farm-raised deer keepers (FRDKs).

CWD testing. FRDKs who have herds enrolled in the CWD herd status program with at least 5 years of status may realize a significant cost savings, as only 25% of their FRD aged 12 months or older shipped directly to slaughter must be tested for CWD. This change is significant as the current rule requires 100% of these FRD to be tested for CWD when sent to slaughter.

FRDKs whose herds are not enrolled in the CWD herd status program may realize a significant cost savings as only 50% of their FRD aged 16 months or older that are killed intentionally, except after escape, must be tested for CWD. This change is significant as the current rule requires 100% of these FRD to be tested for CWD.

It is estimated that hiring a veterinarian to collect CWD test samples costs approximately \$75 per deer. Depending on the number of deer tested at one time, this cost may be lower. This cost will also be lower if the FRDK has a qualified employee or immediate family member that can collect the CWD test samples. Because the actual cost to test a deer for CWD is unknown, total cost savings are indeterminate.

Hunting preserves. Changing the term hunting “preserves” to hunting “ranches” was requested by the farm-raised deer industry. The fiscal effect of this terminology change is unknown but is presumably low, as it is sought by the FRD industry.

Commingling FRD with bovine animals. Current rules allow FRD and bovine animals to be commingled only if those animals move to slaughter.

The proposed rule makes clear that FRDKs who wish to keep deer and bovine animals at the same location without having to move them to slaughter must have fencing and facilities adequate to maintain medical separation at all times. Medical separation includes double fencing and bio-security procedures, including procedures to prevent the commingling of farm-raised deer with bovine animals.

A FRDK who chooses to keep FRD and bovine animals at the same location will incur costs to purchase additional fencing and separate equipment for the FRD and bovine animals. There is also a one-time cost of \$200 for each day needed for Department staff to complete the medical separation inspection of the location.

It is unknown how many FRDKs wish to keep FRD and bovine animals at the same location. Therefore, these costs are indeterminate.

3. Wisconsin importers of elephants.

The current rule specifies requirements for any person that imports certain animals or imports animals for certain activities. The proposed rule specifies requirements for the import of elephants. The current import requirements for elephants are listed under wild animal and circus, rodeo, and menagerie animal imports. The proposed elephant import requirements incorporate several of those provisions into the rule. The new requirement that the owner of an elephant provide a statement that the elephant has not been exposed to mycobacterium tuberculosis within 5 years prior to the date of import should not result in a significant cost to the importer.

Environmental Impact

This rule does not have an environmental impact.

Standards Incorporated by Reference

None.

DATCP Contact

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Place where Comments are to be Submitted and Deadline for Submission

Comments regarding the proposed rule must be submitted by December 28, 2015, to:

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SECTION 1. ATCP 10.01 (5), (8), (17) (a), (42), (45), and (59) are amended to read:

ATCP 10.01 (5) “Animal market” means any premises that are open to the public for the purpose of ~~buying or selling~~ trading in livestock or wild animals, and that have facilities to keep, feed, and water livestock or wild animals prior to sale.

(8) “Approved import ~~feedlot~~ feed lot” means a ~~feedlot~~ feed lot for which the department has issued a permit under s. ATCP 10.22 (9).

(17) (a) Except as provided in par. (b) or (c), the uniform methods and rules for the national brucellosis eradication program, as published in federal bureau publication 91-45-013 (October 1, 2003). Notwithstanding this paragraph and pars. (b) and (c), all official individual identification for all species is specified under sub. (71).

(42) “Farm-raised deer” ~~means a captive cervid, but includes a non-captive cervid that has an ear tag or other mark identifying it as being raised on a farm. “Farm-raised deer” has the meaning given in s. 95.001 (1) (ag), Stats., but~~ does not include a cervid kept by an institution accredited by the association of zoos and aquariums.

(45) “Federally approved livestock ~~import market~~ marketing facility” means an animal market that complies with s. ATP 10.07 (4).

(59) “Johne’s disease national program standards” means the program standards for the national voluntary Johne’s disease control program, as published in federal bureau publication 91-45-016 (September 2010). Notwithstanding this subsection, official individual identification for all species is specified under sub. (71).

SECTION 2. ATP 10.01 (71) (b) is renumbered 10.01 (71) (b) (intro.) and amended to read:

ATP 10.01 (71) (b) (intro.) For farm-raised deer, an any of the following:

1. An official eartag ear tag attached to the animal.

SECTION 3. ATP 10.01 (71) (b) 2. is created to read:

ATP 10.01 (71) (b) 2. A federal bureau and department approved microchip implanted in the animal.

SECTION 4. ATP 10.01 (71) (c) is amended to read:

ATP 10.01 (71) (c) For equine, a any of the following:

1. A written or graphic description by a licensed and accredited veterinarian sufficient to identify the individual equine including all of the following:

SECTION 5. ATP 10.01 (71) (c) 1. to 7. are renumbered 10.01 (71) (c) 1. a. to g.

1 **SECTION 6.** ATPC 10.01 (71) (c) 2. and 3. are created to read:

2 **ATCP 10.01 (71) (c) 2.** A federal bureau and department approved microchip implanted in
3 the animal.

4 3. Digital photographs sufficient to identify the individual equine.

5 **SECTION 7.** ATPC 10.01 (71) (f) and (g) 3. are amended to read:

6 **ATCP 10.01 (71) (f)** For swine weighing 80 pounds or less, a tattoo or ~~eartag~~ ear tag
7 applied to the animal including a premises identification code, or a state registered feeder pig
8 premises tattoo number issued by the department, or the authorized animal health agency in the
9 state of origin, or an official eartag attached to the animal.

10 (g) 3. A unique tattoo or ~~eartag~~ ear tag applied to the animal including a unique premises
11 identification code or state registered feeder pig premises tattoo number issued by the department
12 or the authorized animal health agency in the state of origin provided that the animal also bears an
13 individual identification number unique to that premises, ~~or an official eartag attached to the~~
14 ~~animal.~~

15 **SECTION 8.** ATPC 10.01 (71) (g) 4. is created to read:

16 **ATCP 10.01 (71) (g) 4.** A tattoo on the ear or inner flank of any swine, if the tattoo has
17 been recorded in the book of record of a swine registry association.

18 **SECTION 9.** ATPC 10.01 (71) (h) 2., and (90), are amended to read:

19 **ATCP 10.01 (71) (h) 2.** A federal bureau and department approved microchip ~~if that is~~
20 implanted in the animal, if the animal is registered with a breed registry and if the animal is
21 accompanied by the animal's registration documents on which the microchip number and the

1 animal owner's name ~~or by a certificate of veterinary inspection with the implant number~~ are
2 recorded.

3 (90) "Slaughtering establishment" means a ~~slaughtering establishment~~ facility to slaughter
4 animals that is licensed by the department, or that is subject to inspection by USDA.

5 "Slaughtering establishment" includes all premises used in connection with the slaughter operation
6 including an approved intermediate livestock handling facility.

7 SECTION 10. ATCP 10.01 (71) 2m. and (99m) are created to read:

8 ATCP 10.01 (71) 2m. A federal bureau and department approved microchip that is
9 implanted in the animal, if the animal is in a scrapie free flock certification program flock or herd
10 and the animal is accompanied by certificate of veterinary inspection with the implant number.

11 (99m) "Trading in livestock or wild animals" means the trading, buying, selling, or
12 swapping of livestock or wild animals.

13 SECTION 11 ATCP 10.01 (101) is amended to read:

14 ATCP 10.01 (101) "Tuberculosis modified accredited state" means a state that USDA has
15 classified as a tuberculosis modified accredited state, or a state with a tuberculosis prevalence in
16 bovine herds greater of at least 0.01% but not more than 0.1%.

17 SECTION 12. ATCP 10.01 (103) is repealed.

18 SECTION 13. ATCP 10.01 (105) and (106) (a) are amended to read:

19 ATCP 10.01 (105) (c) A ~~TB-stat-pak screening test when used with a confirmatory~~
20 ~~secondary~~ dual path platform test for farm-raised deer that are white-tailed deer, red deer, elk,
21 fallow deer, or reindeer.

1 (106) (a) Except as provided in par. (b), the uniform methods and rules for the national
2 bovine tuberculosis eradication program, federal bureau publication 91-45-011 (January 1, 2005).
3 Notwithstanding this paragraph and par. (b), all official individual identification for all species is
4 specified under sub. (71).

5 **SECTION 14.** ATCP 10.03 (3) is amended to read:

6 **ATCP 10.03 (3)** A person may make a report under sub. (1) or (2) by telephone, by email,
7 by fax, or by any other effective means of communication that ensures the report will reach the
8 department within the applicable time limit set forth in this section. The reported information shall
9 include the species, age, sex, and breed of the animal possibly infected with the disease, the
10 address of the farm, and the premises code, if any. If the report is not initially in writing, the
11 person shall confirm the report in writing by mail, e-mail, or fax within 10 days.

12 **SECTION 15.** ATCP 10.045 is created to read:

13 **ATCP 10.045 Official individual identification application and record keeping**
14 **requirements. (1)** Whenever a person distributes official individual identification or applies
15 official individual identification to any animal, that person shall keep a record of the date of
16 distribution or application, the official identification number that was distributed or applied to the
17 animal, and the name and address of the owner of the animal.

18 **(2)** A person who is required to keep records, under sub. (1), shall do all of the following:

19 (a) Retain each record for at least 5 years.

20 (b) Make the records available to the department, upon request, for inspection and
21 copying.

22 **SECTION 16.** ATCP 10.055 is created to read:

1 **ATCP 10.055 Tuberculosis testing and control. (1) WHO MAY TEST OR COLLECT**

2 SAMPLES. (a) A person who performs a tuberculosis test or who collects a sample for any other
3 tuberculosis test on an animal for purposes of this chapter or ch. ATCP 12, shall have completed
4 department-approved training on tuberculosis testing or tuberculosis sample collection within 5
5 years prior to the test date and shall be one of the following:

6 1. An accredited veterinarian. If the veterinarian performs the test on an animal in this
7 state, the veterinarian shall also be a Wisconsin certified veterinarian.

8 2. An authorized employee or agent of the department or the federal bureau that is directly
9 supervised by a veterinarian employed by the state of Wisconsin, as authorized by the state
10 veterinarian, or employed by the federal bureau.

11 (b) Only a veterinarian approved by the department or an employee of the department or
12 federal bureau may conduct confirmatory tuberculosis testing on any animal under this chapter or
13 ch. ATCP 12.

14 **(2) TESTING APPROVAL.** A person, under sub. (1), may not perform a tuberculosis test on
15 or collect a test sample from any animal from a quarantined or known infected herd, except with
16 the department's approval.

17 **(3) TEST REPORTING.** A person, under sub. (1), who performs a tuberculosis test on an
18 animal in this state, or collects a tuberculosis test sample from an animal in this state, shall report
19 the test result to the department according to s. ATCP 10.04 (1).

20 Note: A test report must include the animal's official individual identification. If the
21 animal has no official individual identification, the person collecting the test sample
22 must identify the animal with an official individual identification. See s. ATCP
23 10.04 (1) (e).

1 (4) TEST POSITIVE ANIMAL; MOVEMENT RESTRICTED. No person may sell or move an
2 animal that tests positive on any tuberculosis test until one of the following occurs:

3 (a) The department determines that the animal is not a tuberculosis suspect or reactor.

4 (b) The animal is classified as a tuberculosis reactor and treated as determined by the
5 department.

6 **SECTION 17.** ATPC 10.06 (3) (a), (4) (intro) and (j), and (5) are amended to read:

7 **ATPC 10.06 (3)** (a) A certificate of veterinary inspection shall be issued on a form
8 provided by, or approved by, the department, ~~the federal bureau, or the state in which the~~
9 ~~certificate is issued.~~ Except as required under this chapter, or ch. ATPC 12 or 16, a certificate
10 issued in this state shall be issued on a form provided by, or approved by, the department.

11 (4) CONTENTS. (intro) Except as required by other applicable provisions of law, a
12 certificate of veterinary inspection related to a shipment of animals shall include all of the
13 following information, which shall be verified by the issuing veterinarian:

14 (j) The veterinarian's signature and, date of signature, inspection date, and issue date.

15 (5) CERTIFICATE VALID FOR 30 DAYS. A certificate of veterinary inspection is valid for 30
16 days from the date of inspection unless the department specifies additional import requirements or
17 a different expiration date under s. ATPC 10.07 (1) (b) or (2), or if the state veterinarian
18 determines based on an epidemiological evaluation of current disease risks in a herd, or place of
19 origin, in Wisconsin that a different expiration date is necessary.

20 **SECTION 18.** ATPC 10.07 (4) (title), (a) (intro.) and 3., (b), (c) (intro.), and (d) are
21 amended to read:

1 **ATCP 10.07 (4)** (title) ~~FEDERALLY APPROVED LIVESTOCK IMPORT MARKETS~~ MARKETING
2 FACILITIES. (a) (intro.) An animal market qualifies as a federally approved livestock ~~import market~~
3 marketing facility, for purposes of this chapter, if all the following apply:

4 3. The department has authorized the animal market to receive animal import shipments as
5 a federally approved livestock ~~import market~~ marketing facility under this chapter.

6 (b) Animals of a type identified in the agreement under par. (a) 2. may be imported to the
7 federally approved livestock ~~import market~~ marketing facility without meeting import
8 requirements under this chapter, provided that the animals are imported in compliance with 9 CFR
9 71, 78, 79, and 85, and the agreement under par. (a) 2.

10 (c) (intro.) An operator of a federally approved livestock ~~import market~~ marketing facility
11 may not do any of the following:

12 (d) The operator of a federally approved livestock ~~import market~~ marketing facility shall
13 keep all records required by this chapter, ch. ATCP 12, and 9 CFR 71.20. The operator shall retain
14 the records for at least 5 years, and shall make them available to the department for inspection and
15 copying upon request.

16 **SECTION 19.** ATCP 10.07 (4) (am) is created to read:

17 **ATCP 10.07 (4) (am)** A federally approved livestock marketing facility, under par. (a),
18 may be a federally approved tagging site if that facility has an agreement with the federal bureau
19 under 9 CFR 86.1.

20 **SECTION 20.** ATCP 10.13 (1) (a) (intro.) and 2. are amended to read:

21 **ATCP 10.13 Tuberculosis testing and control. (1) WHO MAY TEST OR COLLECT**
22 **SAMPLES.** (a) (intro.) A person who performs a ~~caudal fold tuberculin~~ tuberculosis test on a

1 bovine animal or who collects a sample for any other tuberculosis test on a bovine animal, for
2 purposes of this chapter or ch. ATCP 12, shall have completed department-approved training on
3 tuberculosis testing or tuberculosis sample collection within 5 years prior to the test date and shall
4 be one of the following:

5 2. An authorized employee or agent of the department or the federal bureau that is directly
6 supervised by a veterinarian employed by the state of Wisconsin, as authorized by the state
7 veterinarian, or employed by the federal bureau. ~~The employee or agent shall be a veterinarian,~~
8 ~~except that a non-veterinarian may perform routine screening tests under the direct supervision of a~~
9 ~~veterinarian.~~

10 **SECTION 21.** ATCP 10.13 (1) (b) is repealed and recreated to read:

11 **ATCP 10.13 (1) (b)** Only a veterinarian approved by the department, or an employee of the
12 department or federal bureau, may conduct confirmatory tuberculosis testing on a bovine animal
13 under this chapter or ch. ATCP 12.

14 **SECTION 22.** ATCP 10.13 (1m) is created to read:

15 **ATCP 10.13 (1m) TESTING APPROVAL.** A person under sub. (1) may not perform a
16 tuberculosis test on or collect a test sample from a bovine animal from a quarantined or known
17 infected herd, except with the department's approval.

18 **SECTION 23.** ATCP 10.13 (3) and (Note), and (5), are amended to read:

19 **ATCP 10.13 (3) (title)** ~~VETERINARIAN TO REPORT~~ TEST REPORTING. A veterinarian person,
20 under sub. (1), who performs a tuberculosis test on a bovine animal in this state, or collects a
21 tuberculosis test sample from a bovine animal in this state, shall report the test result to the
22 department ~~and the animal owner~~ according to s. ATCP 10.04 (1).

1 **Note:** A test report must include the animal's official individual identification. If the
2 animal has no official individual identification, the ~~veterinarian~~ person collecting the
3 test sample must identify the animal with an official individual identification. See s.
4 ATCP 10.04 (1) (e).

5 **(5) TEST POSITIVE ANIMAL; FURTHER TESTING AND CLASSIFICATION.** Whenever the
6 department ~~or the federal bureau~~ receives a positive tuberculosis test report under sub. (3), the
7 department or the federal bureau shall conduct ~~follow-up~~ confirmatory testing to determine
8 whether the animal is a tuberculosis suspect or reactor. The department or the federal bureau shall
9 test and classify animals according to the tuberculosis uniform methods and rules.

10 **SECTION 24.** ATCP 10.13 (6) (a) (intro.) and 1. are consolidated, renumbered ATCP
11 10.13 (6) (a), and amended to read:

12 **ATCP 10.13 (6) (a)** Within 15 days after the department or the federal bureau classifies a
13 bovine animal as a tuberculosis reactor, the animal owner shall ~~do all the following: 1. Have~~ have
14 the animal identified as a tuberculosis reactor and shipped to a slaughtering establishment for
15 slaughter, according to the tuberculosis uniform methods and rules. The owner or authorized
16 agent shall obtain a department permit under s. ATCP 10.08 (3) for the slaughter shipment.

17 **SECTION 25.** ATCP 10.13 (6) (a) 2. is repealed.

18 **SECTION 26:** ATCP 10.13 (6) (c) is amended to read:

19 **ATCP 10.13 (6) (c)** An animal owner may request an indemnity under s. 95.25 (5), Stats.,
20 for a tuberculosis reactor slaughtered according to ~~par. pars. (a) + and (b).~~ The animal owner shall
21 file the request with the department, on a form provided by the department. The owner shall
22 include, with the request, a slaughter confirmation signed by an authorized employee of the
23 department or the federal bureau. An animal owner does not qualify for an indemnity if the owner
24 fails to comply with ~~par. pars. (a) and (b).~~

1 **SECTION 27.** ATCP 10.21 (1) (a) (intro.), (2) (a) (intro.) and 1., and (b) 1., are amended

2 to read:

3 **ATCP 10.21 (1) OFFICIAL INDIVIDUAL IDENTIFICATION.** (a) (intro.) A veterinarian who
4 does any of the following to any bovine animal shall insert, in the ear of the animal, an official
5 eartag unless the animal is already identified with an official eartag and shall record, on the
6 applicable document under subd. 1. or 2., the number of the official individual identification:

7 (2) (a) (intro.) If an animal trucker, animal dealer, animal market operator, federally
8 approved livestock ~~import market~~ marketing facility operator, or slaughtering establishment
9 operator receives any bovine animal over 2 years old for slaughter, or for sale or shipment to
10 slaughter, that person shall do all of the following unless the animal is a steer or official spayed
11 heifer:

12 1. Identify the animal with an official ~~baektag~~ back tag at the time of receipt, unless the
13 animal is already backtagged or has official individual identification. ~~Backtags~~ Back tags shall be
14 applied 4 inches behind the shoulder and 4 inches below the topline.

15 (b) 1. The animal's official individual identification or baektag back tag number.

16 **SECTION 28.** ATCP 10.22 (1) (b) 2. and (Note), and (2) (b) 4. are amended to read:

17 **ATCP 10.22 (1) (b) 2.** An animal imported directly to a federally approved livestock
18 ~~import market~~ marketing facility under s. ATCP 10.07 (4).

19 **Note:** ATCP 10.07 (4) (c) prohibits the operator of a federally approved livestock ~~import~~
20 ~~market~~ marketing facility from releasing an imported bovine animal to a location in
21 this state unless the animal meets bovine import requirements under this chapter.
22 Animals shipped directly to slaughter are exempt from certain import requirements
23 that would otherwise apply.

(2) (b) 4. An animal imported directly to a federally approved livestock import market marketing facility under s. ATCP 10.07 (4).

SECTION 29. ATCP 10.22 (5) (b) 4. (intro.) and (a) are consolidated, renumbered ATCP 10.22 (5) (b) 4., and amended to read:

ATCP 10.22 (5) (b) 4. An animal originating from an accredited tuberculosis-free state or nation that accepts bovine animals from this state without a prior tuberculosis test, unless one of the following applies: a. The the state veterinarian requires a tuberculosis test under s. ATCP 10.07 (1) (b).

SECTION 30. ATCP 10.22 (5) (b) 4. b. is repealed.

SECTION 31. ATCP 10.22 (7m), (9) (title) and (a) and (Note), (b) and (Note), (c) (intro.) and 3., (d), (e) (intro.) 2. and 3., and (10) (c) are amended to read:

ATCP 10.22 (7m) M-BRANDED BOVINES; IMPORT RESTRICTED. No person may import an M-branded bovine animal into this state except unless the bovine animal is imported directly from Mexico or goes directly to a slaughter facility. If a bovine animal is imported directly from Mexico, the complete destination herd must be quarantined upon arrival of the M-branded animal and the herd will remain quarantined until the imported bovine animal is negative on a tuberculosis test conducted not sooner than 60 days after the date of importation into the state.

(9) (title) APPROVED IMPORT FEEDLOT FEED LOT. (a) *Permit.* The department may issue an annual permit designating a feedlot as an approved import feedlot feed lot for purposes of this section. A permit expires on June 30 annually.

Note: A feedlot feed lot is not required to hold an approved import feedlot feed lot permit under this subsection. However, feeder cattle imported directly to an approved import feedlot feed lot are exempt from certain import restrictions and pre-import testing requirements, as provided in this section.

(b) *Permit application.* To obtain an approved import ~~feedlot~~ feed lot permit, a ~~feedlot~~ feed lot operator shall submit an application on a form provided by the department. The application shall identify the location of the ~~feedlot~~ feed lot by street address and county, or if the address is not available, by county, town, and section, and shall include other relevant information required by the department, including the ~~feedlot's~~ feed lot's livestock premises code under ch. ATCP 17. The application shall include a nonrefundable fee of \$140. The department shall grant or deny a permit application within 30 days after a complete application is filed with the department.

Note: A person may obtain an import ~~feedlot~~ feed lot application form by calling (608) 224-4889, by visiting the department website at <http://datcp.wi.gov>, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI ~~53718~~ 53708-8911

(c) (intro.) *Requirements.* An approved import ~~feedlot~~ feed lot shall meet all of the following requirements:

3. The ~~feedlot~~ feed lot shall be devoid of vegetation.

(d) *Removing feeder cattle.* Except as specifically authorized by the department in writing, no feeder cattle may be removed from an approved import ~~feedlot~~ feed lot except to a licensed slaughtering establishment for slaughter.

(e) *Records.* (intro.) The operator of an approved import ~~feedlot~~ feed lot shall keep complete and accurate records of all feeder cattle entering and leaving the ~~feedlot~~ feed lot. The operator shall retain the records for at least 5 years after the feeder cattle leave the ~~feedlot~~ feed lot,

1 and shall make them available for inspection and copying by the department upon request.

2 Records shall include all of the following:

3 2. A record of each feeder cattle shipment leaving the ~~feedlot~~ feed lot, including the date
4 of shipment, the number of feeder cattle included in the shipment, the official individual
5 identification of each animal included in the shipment, and the name and address of the person
6 receiving the shipment. No official individual identification record is required for steers and
7 official spayed heifers.

8 3. A record of any feeder cattle that died at the ~~feedlot~~ feed lot, including each animal's
9 official individual identification and date of death. No official individual identification record is
10 required for a steer or official spayed heifer.

11 **(10) (c) Facility approval application.** To obtain approval for an intermediate livestock
12 handling facility, a facility operator shall submit an application on a form provided by the
13 department. The application shall identify the location of the facility to be approved by street
14 address and county, or if the address is not available, by county, town, and section ~~or street~~
15 address, and shall include other relevant information required by the department, including the
16 facility's livestock premises code under ch. ATPC 17. The department shall grant or deny an
17 application within 60 days after a complete application is filed with the department. The
18 department may conduct any inspections it deems necessary.

19 **SECTION 32.** ATPC 10.30 (1) (b) 2. and (Note), (2) (b) 2., (3) (b) 2., (4) (b) 2., and (6)
20 (b) 2. are amended to read:

21 **ATPC 10.30 (1) (b) 2.** Commercial swine imported directly to a federally approved
22 livestock ~~import market~~ marketing facility under s. ATPC 10.07 (4).

1 **Note:** Section ATCP 10.07 (4) (c) prohibits the operator of a federally approved livestock
2 ~~import market~~ marketing facility from releasing imported swine to a location in this
3 state unless the swine meet import requirements under this chapter. Animals
4 shipped directly to slaughter are exempt from certain import requirements that would
5 otherwise apply.

6 (2) (b) 2. Commercial swine imported directly to a federally approved livestock ~~import~~
7 ~~market~~ marketing facility under s. ATCP 10.07 (4).

8 (3) (b) 2. Commercial swine imported directly to a federally approved livestock ~~import~~
9 ~~market~~ marketing facility under s. ATCP 10.07 (4).

10 (4) (b) 2. Commercial swine imported directly to a federally approved livestock ~~import~~
11 ~~market~~ marketing facility under s. ATCP 10.07 (4).

12 (6) (b) 2. Commercial swine imported directly to a federally approved livestock ~~import~~
13 ~~market~~ marketing facility under s. ATCP 10.07 (4).

14 **SECTION 33.** ATCP 10.31 (1) (intro.) and (a), (2) (a) 1. and 3., and (b) are amended to
15 read:

16 **ATCP 10.31 (1) IDENTIFICATION REQUIRED.** Except as provided in sub. (3), an animal
17 trucker, animal dealer, animal market operator, federally approved livestock ~~import market~~
18 marketing facility operator, or slaughtering establishment operator shall do all the following
19 whenever that person receives a sow, boar, or stag for slaughter, or for sale or shipment to
20 slaughter:

21 (a) Identify the swine with an official swine ~~backtag~~ back tag, a premises identification
22 number ~~ear tag~~ gear tag or other approved slaughter identification, unless the swine already bears an
23 official individual identification or slaughter identification.

24 (2) (a) 1. The swine's official individual identification or slaughter identification number.

1 3. The date on which the slaughter identification was applied, if applicable. If the swine
2 already bore an official individual identification or a slaughter identification when received, the
3 record shall (Note) that fact.

4 (b) The record under par. (a) shall be retained for at least 5 years, and shall be made
5 available to the department for inspection and copying upon request.

6 **SECTION 34.** ATCP 10.31 (2) (Note) is repealed.

7 **SECTION 35.** ATCP 10.35 (1) (a) is amended to read:

8 **ATCP 10.35 (1) SALE OF EQUINE ANIMAL; TESTING REQUIRED.** (a) Except as provided in
9 par. (b), no person may purchase, sell, or transfer ownership of any equine animal in this state
10 unless the animal has tested negative for equine infectious anemia within 12 months from the date
11 the blood was drawn for the test to the date of purchase, sale, or transfer and the official test report
12 accompanies the animal.

13 **SECTION 36.** ATCP 10.36 (3) is amended to read:

14 **ATCP 10.36 (3) EQUINE INFECTIOUS ANEMIA TEST; REQUIREMENT.** Except as provided in
15 sub. (4), no person may import any equine animal into this state unless the animal has tested
16 negative on an equine infectious anemia test conducted no more than 12 months ~~before~~ from the
17 date the blood was drawn for the test to the date the animal is imported into this state.

18 **SECTION 37.** ATCP 10.37 (3) (c) is amended to read:

19 **ATCP 10.37 (3) (c)** The location of the quarantine station, ~~specified by~~ street address and
20 county, or if the address is not available, by county, town, section, and fire number.

21 **SECTION 38.** ATCP 10.40 (1) (intro.) is amended to read:

1 **ATCP 10.40 (1)** BIRDS AND EGGS USED FOR BREEDING OR HATCHING. (intro.) ~~No~~Except as
2 specified under sub. (8), no person may use poultry or farm-raised game birds or their eggs for
3 breeding or hatching, or for exhibition at a fair or livestock exhibition, unless one of the following
4 applies:

5 **SECTION 39.** ATCP 10.46 (1) (f) is created to read:

6 **ATCP 10.46 (1) (f)** Except as provided under sub. (11) (d) 1., before registering any herd
7 to be kept at the same location as bovine animals, the department shall inspect the location to
8 determine whether the herds are medically separated. For each inspection under this paragraph,
9 the registrant shall pay the fee required under sub. (7) (b). No inspection is required for the
10 renewal of an existing herd registration if the department has previously inspected the herd
11 premises under this paragraph.

12 **SECTION 40.** ATCP 10.46 (1m) (b), (4) (a), (b) 2. and (5) (a) are amended to read:

13 **ATCP 10.46 (1m) (b)** The partial owner of the farm-raised deer is listed as a partial owner
14 on the farm-raised deer herd registration certificate application regardless of the percentage of
15 ownership interest. The farm-raised deer herd registration application shall include the name,
16 address, and telephone number, if any, of all persons holding any ownership interest in any farm-
17 raised deer included under the registration application. ~~For each owner listed, the application shall~~
18 ~~include the specific official individual identification for each deer in which the owner has an~~
19 ~~ownership interest and the amount of that ownership interest, as a percentage or dollar value.~~

20 **(4) (a)** The entire herd, including all herd locations, shall be either actively enrolled in the
21 chronic wasting disease herd status program under s. ATCP 10.53 or not enrolled in the chronic
22 wasting disease herd status program.

1 (b) 2. The registrant keeps a record of the movement. The record shall include the ~~official~~
2 2 individual identification identifications of each farm-raised deer that is moved; the species, age,
3 and sex of the farm-raised deer; the date of movement; the name and address of the person who
4 had custody of the farm-raised deer during movement, if other than the owner; and the herd
5 locations from and to which the farm-raised deer was moved.

6 (5) (a) If the herds are medically separated under par. (c), each herd is considered a
7 separate herd for purposes of disease control, movement, and enrollment in the chronic wasting
8 disease status program under s. ATPC 10.53. Farm-raised deer moved between any of the
9 medically separated herds shall be accompanied by a certificate of veterinary inspection under s.
10 ATPC 10.56 (1), and registrants shall keep a record under sub. (10) (a) and (am) related to each
11 movement.

12 **SECTION 41.** ATPC 10.46 (5) (b) 2. is renumbered 10.46 (5) (b) 2. (intro.) and amended
13 to read:

14 **ATPC 10.46 (5) (b) 2. (intro.)** Farm-raised deer may be moved between any of the herd
15 locations identified in any of the herd registration certificates ~~shall be~~ without a certificate of
16 veterinary inspection under s. ATPC 10.56 (1), if both of the following requirements are met:

17 a. Any farm-raised deer moved under this subdivision is identified with 2 individual
18 identifications. One identification shall be official individual identification and the second
19 identification shall be either an official individual identification or an individual identification
20 unique to the combined herds.

21 **SECTION 42.** ATPC 10.46 (5) (b) 2. b. is created to read:

1 **ATCP 10.46 (5) (b) 2.** b. The registrant shall keep a record of the movement of farm-raised
2 deer under this subdivision. The record shall include the 2 individual identifications of each farm-
3 raised deer that is moved; the species, age, and sex of the farm-raised deer; the date of movement;
4 the name and address of the person who had custody of the farm-raised deer during movement, if
5 other than the owner; and the registration numbers of the herd from which, and to which, the farm-
6 raised deer was moved.

7 **SECTION 43.** ATCP 10.46 (5) (b) 3., (6) (c) 4., (f) (Note), (7) (b), and (10) (a) (intro.)
8 and 1., 3., 4., and 5. are amended to read:

9 **ATCP 10.46 (5) (b) 3.** All of the herds, including all herd locations, shall be either actively
10 enrolled in the chronic wasting disease status program under s. ATCP 10.53 or not enrolled in the
11 chronic wasting disease status program.

12 **(6) (c) 4.** The physical address number ~~or~~ of the deer farm location. If the physical address
13 is not available, the fire number of the deer farm location, or driving directions to the deer farm
14 access point.

15 **(f) Note:** A person may obtain a registration form by calling (608) ~~224-4872~~ 224-4896, by
16 visiting the department website at <http://datcp.wi.gov>, or by writing to the following
17 address:

18 Wisconsin Department of Agriculture, Trade and Consumer Protection
19 Division of Animal Health
20 P.O. Box 8911
21 Madison, WI 53708-8911

22 **(7) (b)** A person who applies to register a medically separated herd at the same location
23 where another herd is registered shall pay a nonrefundable fee of \$200 for each day needed to
24 complete an inspection under sub. (5) (d).

(10) (a) (intro.) A person who keeps farm-raised deer shall keep all of the following records related to each live farm-raised deer that ~~leaves the herd other than for slaughter, or that enters the herd from another herd:~~

1. The ~~official~~ 2 individual identifications identifications that meet the requirements of s. ATCP 10.53 (2) (d) 4, of the farm-raised deer.

3. The date on which the farm-raised deer entered ~~or left~~ the herd.

4. The name and address of the person from whom ~~the person received, or to whom the person shipped,~~ the farm-raised deer was obtained. The record shall also identify the person who had custody of the farm-raised deer during shipment.

5. The address of the herd from which the farm-raised deer originated, ~~or to which it was shipped.~~

SECTION 44. ATCP 10.46 (10) (a) 7. is repealed.

SECTION 45. ATCP 10.46 (10) (ae), (am), and (as) are created to read:

ATCP 10.46 (10) (ae) A person who keeps farm-raised deer shall keep a record of each known natural addition to the herd, including the month and year of birth, and sex of the farm-raised deer, if determined.

(am) A person who keeps farm-raised deer shall keep all of the following records related to each live farm-raised deer that leaves the herd by movement authorized under s. ATCP 10.56:

1. The 2 individual identifications which meet the requirements of s. ATCP 10.53 (2) (d) 4. of the farm-raised deer.

2. The species, age, and sex of the farm-raised deer.

3. The date on which the farm-raised deer left the herd.

1 4. The name and address of the person to whom the farm-raised deer was shipped. The
2 record shall also identify the person who had custody of the farm-raised deer during shipment.

3 5. The address of the herd to which the farm-raised deer was shipped.

4 6. A copy of any certificate of veterinary inspection that accompanied the farm-raised deer
5 under s. ATP 10.56.

6 (as) A person who keeps farm-raised deer shall keep all records required to be reported
7 under sub. (12), regarding any farm-raised deer that escapes to the wild.

8 **SECTION 46.** ATP 10.46 (10) (b) (intro.) and 1., (c) 3., (11) (c) and (d) are amended to
9 read:

10 **ATP 10.46 (10) (b) (intro.)** A person who keeps farm-raised deer shall keep all of the
11 following records related to each farm-raised deer that the person ships live to slaughter a
12 slaughtering establishment:

13 1. The official individual identification or back tag of the farm-raised deer.

14 (c) 3. The date on which the farm-raised deer died, or was killed or slaughtered. If the
15 farm-raised deer was found dead on the premises, the person shall record the date on which the
16 farm-raised deer was found dead and the apparent cause of death.

17 (11) (c) Move a live farm-raised deer or any portion of a farm-raised deer carcass from the
18 premises at which it has been kept unless the farm-raised deer has ~~an official~~ individual
19 identification required under s. ATP 10.54 (1) (c), slaughter identification under s. ATP 10.54
20 (2), or the farm-raised deer carcass complies with sub. (13).

21 (d) 1. ~~Cause~~Except as authorized under subd. 2., cause or allow farm-raised deer to
22 commingle with bovine animals on the same premises or in the same building, enclosure or

1 vehicle except farm-raised deer and bovines may be commingled if no live farm-raised deer or live
2 bovine animal is moved off the premises, except directly to slaughter and accompanied by a
3 completed federal bureau form VS 1-27 or a department permit under s. ATCP 10.08 (3).

4 **SECTION 47.** ATCP 10.46 (11) (d) 2. is created to read:

5 **ATCP 10.46 (11) (d) 2.** Farm-raised deer may be kept on the same premises as bovine
6 animals if the two species are medically separated.

7 **SECTION 48.** ATCP 10.46 (12) (a) is renumbered ATCP 10.46 (12) (a) 1. and as
8 renumbered, is amended to read:

9 **ATCP 10.46 (12) (a) 1.** A person keeping farm-raised deer shall report to the department
10 whenever any of those farm-raised deer escapes to the wild. The person shall report the escape
11 within 24 hours after the person knows or has reason to know of the escape. The report shall
12 identify the species, age, sex, and any identification of the farm-raised deer that escaped, the
13 location of the escape, the apparent date and time of the escape, and the circumstances that resulted
14 in the escape, and steps taken to prevent recurring escapes.

15 **SECTION 49.** ATCP 10.46 (12) (a) 2. and (am) are created to read:

16 **ATCP 10.46 (12) (a) 2.** A person keeping farm-raised deer shall be responsible for testing
17 for chronic wasting disease in accordance with s. ATCP 10.52, any farm-raised deer that escapes
18 from the keeper's herd.

19 (am) If an escaped farm-raised deer is killed before returning to the herd, the person shall
20 report to the department the date it was killed, the date the chronic wasting disease sample was
21 submitted for testing, and the results of that test.

22 **SECTION 50.** ATCP 10.46 (12) (b) and (c) and (13) (Note) are amended to read:

1 **ATCP 10.46 (12)** (b) If an escaped farm-raised deer is returned to the herd, the person
2 shall report that return to the department within 24 hours after the return occurs. The report shall
3 include the date of the return and the apparent number of hours that elapsed between the escape
4 and the return.

5 (c) Except as provided in par. (d), if an escaped farm-raised deer is returned to the herd
6 more than ~~72~~ 120 hours after it escapes, ~~it~~ the herd loses any status that it may have had in a herd
7 certification or herd status program under s. ATCP 10.49, 10.51, or 10.53, and is treated as a new
8 addition to the herd.

9 **(13) Note:** A person may obtain dead tags from the department by calling (608) 224-4889
10 224-4872, by visiting the department website at <http://datcp.wi.gov>, or by writing to
11 the following address:

12 Wisconsin Department of Agriculture, Trade and Consumer Protection
13 Division of Animal Health
14 P.O. Box 8911
15 Madison, WI 53708-8911

16 **SECTION 51.** ATCP 10.47 (title), (2) (b), and (3) (title), (a) and (Note) and (b) (intro.), 2.,
17 5. and 6. (Note) are amended to read:

18 **ATCP 10.47 (title) Farm-raised deer; hunting ~~preserves~~ ranches.**

19 **(2)** (b) The person holds a valid hunting ~~preserve~~ ranch certificate under sub. (3) for the
20 premises.

21 **(3)** (title) ~~HUNTING PRESERVE~~ RANCH CERTIFICATE. (a) The department may issue a
22 hunting ~~preserve~~ ranch certificate for premises registered under s. ATCP 10.46 (1). A hunting
23 ~~preserve~~ ranch certificate expires 10 years after it is issued, on the anniversary date of its issuance.
24 A certificate is not transferable between persons or premises. A hunting ~~preserve~~ ranch certificate

1 is not valid if the certificate holder no longer holds a valid farm-raised deer herd registration
2 certificate under s. ATCP 10.46 (1).

3 **Note:** A hunting ~~preserve~~ ranch certificate issued under this subsection only authorizes
4 hunting for farm-raised deer. Hunting of other animals in a farm-raised deer hunting
5 ~~preserve~~ ranch is illegal. See s. 951.09, Stats.

6 (b) (intro.) A person shall apply for a hunting ~~preserve~~ ranch certificate under par. (a) on a
7 form provided by the department. The application shall include all of the following:

8 2. The address of the premises, registered under s. ATCP 10.46 (1), for which the
9 applicant seeks a hunting ~~preserve~~ ranch certificate.

10 5. An estimate of the farm-raised deer population on the hunting ~~preserve~~ ranch premises,
11 by species, age, and sex.

12 6. **Note:** A person may obtain an application form under par. (b) by calling (608) ~~224-~~
13 ~~4889~~ 224-4896, by visiting the department website at <http://datcp.wi.gov>, or by
14 writing to the following address:

15 Wisconsin Department of Agriculture, Trade and Consumer Protection
16 Division of Animal Health
17 P.O. Box 8911
18 Madison, WI 53708-8911

19 **SECTION 52.** ATCP 10.47 (3) (b) 6. is repealed.

20 **SECTION 53.** ATCP 10.47 (3) (c), (3m) (intro.) and (c), (4) (intro.) and (4m), (6), (7)
21 (intro.) and (b) (intro.) and 2., are amended to read:

22 **ATCP 10.47 (3) (c)** The department shall grant or deny an application under par. (b) within
23 90 business days after the department receives a complete application. The department shall
24 inspect the premises before issuing an initial hunting ~~preserve~~ ranch certificate, and may inspect
25 records as necessary to determine whether the applicant and premises qualify for a certificate.

1 **(3m) (intro.) DENYING, SUSPENDING, OR REVOKING A HUNTING PRESERVE RANCH**

2 CERTIFICATE. The department may deny, suspend, or revoke a hunting ~~preserve~~ ranch certificate
3 under sub. (3) for cause, including any of the following:

4 (c) Violating the terms of the hunting ~~preserve~~ ranch certificate.

5 **(4) CHRONIC WASTING DISEASE TESTING.** A person required to hold a hunting ~~preserve~~
6 ranch certificate under this section shall comply with chronic wasting disease testing requirements
7 under s. ATP 10.52. The person shall give a hunter the results of each chronic wasting disease
8 test, required under s. ATP 10.52 (1m) (b) 4., which was conducted on a farm-raised deer killed
9 by that hunter on the person's hunting ~~preserve~~ ranch if ~~either~~ any of the following occurs:

10 **(4m) OFFICIAL INDIVIDUAL IDENTIFICATION.** All non-natural additions to a hunting
11 ~~preserve~~ ranch premises shall have ~~one visible official~~ 2 individual identification, and one
12 ~~microchip implanted at the base of the ear or the base of the tail of the deer~~ identifications, at least
13 ~~one of which is visible and meets the requirements of s. ATP 10.53 (2) (d) 4.~~

14 **(6) CARCASS IDENTIFICATION.** A person who is required by sub. (2) (b) to hold a hunting
15 ~~preserve~~ ranch certificate shall identify the carcass of every farm-raised deer killed on the hunting
16 ~~preserve~~ ranch, before the carcass leaves the premises. Identification shall comply with s. ATP
17 10.46 (13).

18 **(7) (intro.) RECORDS.** A person who is required by sub. (2) (b) to hold a hunting ~~preserve~~
19 ranch certificate shall do all of the following:

20 (b) (intro.) Keep all of the following records related to each farm-raised deer that is killed
21 on the hunting ~~preserve~~ ranch:

1 2. The date when the farm-raised deer was killed, ~~and the location of the premises where it~~
2 ~~was killed.~~

3 **SECTION 54.** ATCP 10.47 (7) (b) 3. is repealed.

4 **SECTION 55.** ATCP 10.47 (8) (intro.) is amended to read:

5 **ATCP 10.47 (8)** (intro.) PROHIBITED CONDUCT. No person required to hold a hunting
6 ~~preserve~~ ranch certificate under sub. (2) may do any of the following:

7 **SECTION 56.** ATCP 10.48 (1) (title), (a) (intro.) and 2. are amended to read:

8 **ATCP 10.48 (1)** (title) WHO MAY TEST OR COLLECT SAMPLES. (a) (intro.) A person may
9 not perform a tuberculosis test on a farm-raised deer, or collect a sample for a tuberculosis test on
10 a farm-raised deer, unless the person has completed tuberculosis testing or tuberculosis sample
11 collection training approved by the department within 5 years prior to the test date, and is one of
12 the following:

13 2. A An authorized employee or agent of the department or the federal bureau that is
14 directly supervised by a veterinarian employed by the department state of Wisconsin, as authorized
15 by the state veterinarian, or employed by the federal bureau.

16 **SECTION 57.** ATCP 10.48 (1) (c) is renumbered ATCP 10.48 (1) (b) and as renumbered,
17 is amended to read:

18 **ATCP 10.48 (1)** (b) A Only a veterinarian approved by the department or an employee of
19 the department or federal bureau may not collect a sample from conduct confirmatory tuberculosis
20 testing on a farm-raised deer, for a comparative cervical tuberculin test under this chapter or ch.
21 ATCP 12, unless authorized to do so by the department or the federal bureau.

1 **SECTION 58.** ATCP 10.48 (1) (d) is renumbered ATCP 10.48 (2) and as renumbered, is
2 amended to read:

3 **ATCP 10.48 (2) TESTING APPROVAL.** A ~~veterinarian~~ person under sub. (1) may not
4 perform a tuberculosis test on or collect a test sample from a farm-raised deer from a quarantined
5 or known infected herd, except with the department's approval.

6 **SECTION 59.** ATCP 10.48 (4) and (Note) and (5) are amended to read:

7 **ATCP 10.48 (4) ~~VETERINARIAN TO REPORT~~ TEST REPORTING.** A ~~veterinarian~~ person, under
8 sub. (1), who performs a tuberculosis test on a farm-raised deer, or collects a test sample for a
9 tuberculosis test on a farm-raised deer, shall report the test result to the department according to s.
10 ATCP 10.04.

11 **Note:** A test report must include the animal's official individual identification. If the
12 animal has no official individual identification, the ~~veterinarian~~ person collecting the
13 test sample must identify the animal with an official individual identification. See s.
14 ATCP 10.04 (1) (e).

15 **(5) TEST POSITIVE ANIMALS; FURTHER TESTING AND CLASSIFICATION.** Whenever the
16 department receives a positive tuberculosis test report under sub. (4), the department shall classify
17 the tested farm-raised deer as a tuberculosis suspect and shall conduct ~~additional~~ confirmatory
18 testing to determine whether the farm-raised deer is a tuberculosis reactor under the tuberculosis
19 uniform methods and rules.

20 **SECTION 60.** ATCP 10.48 (6) (b) (intro.) and 1. are consolidated, renumbered ATCP
21 10.48 (6) (b), and amended to read:

22 **ATCP 10.48 (6) (b)** Within 15 days after the department or federal bureau classifies a
23 farm-raised deer as a tuberculosis reactor, the keeper of the farm-raised deer shall ~~do all of the~~
24 ~~following:~~ 1. ~~Have~~ have the farm-raised deer identified as a reactor, and shipped directly to

slaughter, according to the tuberculosis uniform methods and rules. The ~~operator~~ owner or authorized agent shall obtain a department permit under s. ATCP 10.08 (3) for the slaughter shipment.

SECTION 61. ATCP 10.48 (6) (b) 2. is repealed.

SECTION 62. ATCP 10.48 (6) (c) and (d) are amended to read:

ATCP 10.48 (6) (c) The department may for good cause extend a deadline under par. (b), but may not extend a the deadline ~~under par. (b) 1.~~ by more than ~~30~~ 15 additional days.

(d) An animal owner may request an indemnity under s. 95.25 (5), Stats., for a tuberculosis reactor that is slaughtered under par. (b)-1. The animal owner shall file the request with the department, on a form provided by the department. The owner shall include, with the request, a slaughter confirmation signed by an authorized employee of the department or the federal bureau. An animal owner does not qualify for an indemnity if the owner fails to comply with ~~par. pars. (b) and (c).~~

SECTION 63. ATCP 10.52 (1m) (a) 1. is amended to read:

ATCP 10.52 (1m) (a) 1. A farm-raised deer that dies or is killed intentionally, including escaped deer, while kept by that person.

SECTION 64. ATCP 10.52 (1m) (a) 2. is renumbered 10.52 (1m) (a) 2. (intro.) and amended to read:

ATCP 10.52 (1m) (a) 2. (intro.) A farm-raised deer that the person ships directly to a slaughtering establishment, according to any of the following-:

SECTION 65. ATCP 10.52 (1m) (a) 2. a. and b. are created to read:

1 **ATCP 10.52 (1m) (a) 2. a.** If the deer is from a herd with less than five years of status in
2 the chronic wasting disease herd status program under s. ATCP 10.53, all deer shipped to a
3 slaughtering establishment.

4 b. If the deer is from a herd that has at least five years of status in the chronic wasting
5 disease herd status program under s. ATCP 10.53, 25% of the farm-raised deer shipped to a
6 slaughtering establishment.

7 **SECTION 66.** ATCP 10.52 (1m) (a) 2. (Note) and (b) 1. to 3. are amended to read:

8 **ATCP 10.52 (1m) (a) 2. Note:** A hunting ~~preserve~~ ranch certified under s. ATCP 10.47
9 that is enrolled in the chronic wasting disease herd status program under s. ATCP
10 10.53 must comply with par. (a).

11 (b) 1. All Fifty percent of farm-raised deer that are killed intentionally, including ~~escaped~~
12 ~~deer by hunt on a hunting ranch registered under s. ATCP 10.47.~~

13 2. All farm-raised deer that die by accidental death or natural causes, and whose remains
14 are testable, on the premises while kept by that person.

15 3. Twenty-five percent of all farm-raised deer that are sent to ~~slaughter~~ a slaughtering
16 establishment.

17 **SECTION 67.** ATCP 10.52 (1m) (b) 4. is repealed and recreated to read:

18 **ATCP 10.52 (1m) (b) 4.** All escaped farm-raised deer that are killed intentionally.

19 **SECTION 68.** ATCP 10.52 (3) (c) 1m. and (6m) are created to read:

20 **ATCP 10.52 (3) (c) 1m.** Label the test sample with the number of the official individual
21 identification, or if the official individual identification number is not available, the backtag,
22 official slaughter identification approved by the department, or carcass tag of the farm-raised deer
23 from which the sample was collected.

1 **(6m) VERIFYING TEST RESULTS.** A keeper of farm-raised deer may verify the identity of the
2 farm-raised deer that was reported as being positive for chronic wasting disease through genetic
3 testing of the farm-raised deer, in a procedure approved by the department.

4 **SECTION 69.** ATCP 10.52 (7) is amended to read:

5 **ATCP 10.52 (7) HERD QUARANTINE.** The department shall quarantine a farm-raised deer
6 herd under s. ATCP 10.89, whenever any farm-raised deer from that herd tests positive for chronic
7 wasting disease. The herd may be quarantined up to 5 years from the date the last farm-raised deer
8 in the herd tested positive for chronic wasting disease. The department shall conduct an
9 epidemiological evaluation of the quarantined herd to determine the appropriate disposition of the
10 herd.

11 **SECTION 70.** ATCP 10.52 (7m) is created to read:

12 **ATCP 10.52 (7m) HERD OR INDIVIDUAL FARM-RAISED DEER QUARANTINE.** Based on the
13 epidemiological evaluation under sub. (7), the department may quarantine a herd or individual
14 farm-raised deer traced back or forward from the herd in which a farm-raised deer tested positive
15 for chronic wasting disease. The quarantine issued for a farm-raised deer or herd shall remain in
16 effect up to five years from the date of the last possible exposure to a farm-raised deer that tested
17 positive for chronic wasting disease under sub. (7).

18 **SECTION 71.** ATCP 10.52 (8) (c) (Note) is amended to read:

19 **ATCP 10.52 (8) (c) Note:** A person may obtain an application form under par. (c) by
20 calling (608) ~~224-4872~~ 224-4896, by visiting the department website at <http://datcp.wi.gov>,
21 or by writing to the following address:

22 Wisconsin Department of Agriculture, Trade and Consumer Protection
23 Division of Animal Health
24 P.O. Box 8911
25 Madison, WI 53718

1 **SECTION 72.** ATCP 10.53 (2) (c) is amended to read:

2 **ATCP 10.53 (2) (c)** The herd location, ~~including~~ street address and county. If the street
3 address is not available, the county, town, section, and fire number assigned to that location.

4 **SECTION 73.** ATCP 10.53 (2) (d) 2. and 3. are repealed.

5 **SECTION 74.** ATCP 10.53 (2) (e) (Note) and (4) (b) 2. are amended to read:

6 **ATCP 10.53 (2) (e) Note:** A person may obtain an application form under sub. (2) by
7 calling (608) 224-4872 224-4896, by visiting the department website at <http://datcp.wi.gov>,
8 or by writing to the following address:

9 Wisconsin Department of Agriculture, Trade and Consumer Protection
10 Division of Animal Health
11 P.O. Box 8911
12 Madison, WI 53708-8911

13 (4) (b) 2. A farm-raised deer that the person ships directly to slaughter a slaughtering
14 establishment.

15 **SECTION 75.** ATCP 10.53 (5) (a) 1. and 2. and (b) 1. are repealed.

16 **SECTION 76.** ATCP 10.53 (6) (a) (intro.) is amended to read:

17 **ATCP 10.53 (6) (a) (intro.)** A record of each farm-raised deer added to the herd from
18 another source, ~~including:~~ as specified under s. ATCP 10.46 (10) (a).

19 **SECTION 77.** ATCP 10.53 (6) (a) 1. to 4. are repealed.

20 **SECTION 78.** ATCP 10.53 (6) (am) is created to read:

21 **ATCP 10.53 (6) (am)** A record of each known natural addition to the herd, including the
22 month and year of birth, and sex, if determined.

23 **SECTION 79.** ATCP 10.53 (6) (b) 2. to 4., (7) (a) 5., and (10) (a) 2. b. are amended to
24 read:

1 ATCP 10.53 (6) (b) 2. If the farm-raised deer was shipped live to a place other than a
2 slaughtering establishment, the ~~name of the person to whom it was shipped, the place to which it~~
3 ~~was shipped, and a copy of the certificate of veterinary inspection that accompanied the farm-~~
4 ~~raised deer~~ information required under s. ATCP 10.46 (10) (am).

5 3. If the farm-raised deer died or was killed or slaughtered on the premises, the apparent
6 ~~cause of death, the age of the farm-raised deer, and the disposition of its carcass. If the carcass left~~
7 ~~the premises, the record shall identify the carcass destination and recipient~~ information required
8 under s. ATCP 10.46 (10) (c).

9 4. If the farm-raised deer was shipped directly to a slaughtering establishment, the ~~age of~~
10 ~~the farm-raised deer and the name and address of the slaughter establishment~~ information required
11 under s. ATCP 10.46 (10) (b).

12 (7) (a) 5. Fewer than 90% of the farm-raised deer ~~that left the herd by death, escape, or~~
13 ~~slaughter~~ required to be tested under s. ATCP 10.52 (1m) (a) in any census year, ~~including farm-~~
14 ~~raised deer whose remains were not testable because of deterioration when found, were tested for~~
15 chronic wasting disease according to sub. (4) (b).

16 (10) (a) 2. b. Enrolled in a federal program that complies with ~~federal uniform methods and~~
17 ~~rules~~ 9 CFR 55.22 (b).

18 **SECTION 80.** ATCP 10.54 (1) (a) (intro.) and (am) and (2) (a) and (b) 1. are amended to
19 read:

20 **10.54 (1) OFFICIAL INDIVIDUAL IDENTIFICATION.** (a) (intro.) Whenever a veterinarian does
21 any of the following to a farm-raised deer, the veterinarian shall identify the farm-raised deer with
22 an official individual identification unless the farm-raised deer already bears all required individual

1 identification, and shall record on the applicable document under subd. 1. or 2., all the official
2 individual identification:

3 (am) Whenever a person qualified under s. ATP 10.52 (4) collects test samples from a
4 farm-raised deer for chronic wasting disease testing, the person shall identify the farm-raised deer
5 with an official individual identification or a dead tag, unless the farm-raised deer already bears all
6 required individual identification, and shall record the official individual identification or dead tag
7 number on the test sample. This paragraph does not apply if the farm-raised deer already bears all
8 the required individual identification.

9 (2) (a) Whenever an animal trucker, animal dealer, animal market operator, or slaughtering
10 establishment operator receives any farm-raised deer for slaughter, or for sale or shipment to
11 slaughter, that recipient shall immediately identify that farm-raised deer with an official backtag or
12 other official slaughter identification approved by the department unless the farm-raised deer
13 already bears official individual identification or slaughter identification.

14 (b) 1. The official individual identification or slaughter identification under par. (a).

15 **SECTION 81.** ATP 10.55 (3) (d) (Note) is amended to read:

16 **ATP 10.55 (3) (d) Note:** See ss. ATP 10.47 (hunting preserves ranches), 10.53
17 (chronic wasting disease herd status program enrollment), and 10.54 (deer
18 identification) for requirements for 2 forms of individual identification on farm-
19 raised deer.

20 **SECTION 82.** ATP 10.55 (3) (e) is numbered 10.55 (3) (e) (intro.) and amended to read:

21 **ATP 10.55 (3) (e) (intro.)** The following ~~statement~~ statements or a substantially similar
22 ~~statement~~ statements:

23 1. "All cervids identified on this certificate originate from a herd enrolled for the past 5
24 years in a state chronic wasting disease program meeting the federal bureau standards."

1 **SECTION 83.** ATCP 10.55 (3) (e) 2. and 3. are created to read:

2 **ATCP 10.55 (3) (e) 2.** “All cervids identified on this certificate originate from a herd that
3 has shown no clinical signs of chronic wasting disease in the past 12 months.”

4 3. “All cervids identified on this certificate originate from a herd that is adequately
5 separated from any wild deer herd known to be infected with chronic wasting disease.”

6 **SECTION 84.** ATCP 10.56 (1) (a) 2. is renumbered 10.56 (1) (a) 2. (intro.) and amended
7 to read:

8 **ATCP 10.56 (1) (a) 2. (intro.)** The farm-raised deer, ~~if at least 12 months old and enrolled~~
9 ~~in the chronic wasting disease herd status program under s. ATCP 10.53, or, if at least 16 months~~
10 ~~old and the herd is meeting the testing requirements under s. ATCP 10.52 (1m) (b) 3., is tested for~~
11 ~~chronic wasting disease after being slaughtered; as required under s. ATCP 10.52 (1m) (a) or (b),~~
12 if the deer is any of the following: Testing shall comply with test standards in s. ATCP 10.52.

13 **SECTION 85.** ATCP 10.56 (1) (a) 2. a. and b. and 3. are created to read:

14 **ATCP 10.56 (1) (a) 2. a.** At least 12 months old and originates from a herd enrolled in the
15 chronic wasting disease herd status program under s. ATCP 10.53.

16 b. At least 16 months old and does not originate from a herd enrolled in the chronic
17 wasting disease herd status program under s. ATCP 10.53.

18 3. The farm-raised deer has identification required under s. ATCP 10.54 (2) (a).

19 **SECTION 86.** ATCP 10.56 (3) (f) 1. and 4. are amended to read:

20 **ATCP 10.56 (3) (f) 1.** The farm-raised deer is moving into a hunting preserve ranch
21 holding a certificate under s. ATCP 10.47.

1 4. It has been continuously isolated since the tuberculosis test under subd. 3. in a manner
2 that prevents it from contracting tuberculosis from other cervids.

3 **SECTION 87.** ATCP 10.58 (1) (b) is amended to read:

4 **ATCP 10.58 (1) (b)** The 2 fences are at least ~~10~~ 8 feet but not more than 16 feet apart at
5 every point.

6 **SECTION 88.** ATCP 10.61 (2) (i) 3. (Note) and (7) (e) are amended to read:

7 **ATCP 10.61 (2) (i) Note:** ~~A permit~~ Records of movement under s. ATCP 10.655 (2), must
8 be ~~obtained~~ kept to return the fish or fish eggs to the same waters of the state from
9 which they were collected.

10 (7) (e) A fish farm operator shall pay, in addition to the annual registration fee under par.
11 (a), a surcharge equal to the amount of the fee for the applicable registration fee category if the
12 department determines that, within 365 days prior to submitting a registration application under
13 sub. (6), the operator operated the fish farm without a registration certificate required under sub.
14 (1) or (3). Payment of the surcharge does not relieve the operator of any other penalty or liability
15 that may result from the violation, nor does it constitute evidence of a violation. In addition to the
16 surcharge, the applicant shall pay the fee due for the year in which the applicant failed to obtain
17 the required registration certificate.

18 **SECTION 89.** ATCP 10.61 (7) (f) is created to read:

19 **ATCP 10.61 (7) (f)** A fish farm operator who applies for the renewal of a fish farm
20 registration certificate after that certificate has expired shall pay, in addition to all other fees
21 required under this subsection, a late fee equal to 20% of the registration fees.

22 **SECTION 90.** ATCP 10.62 (7) (intro.) and (a) are amended to read:

1 **ATCP 10.62 (7)** (intro.) **IMPORT RECORDS REQUIRED.** ~~If~~ Notwithstanding sub. (2), a person
2 ~~is required to hold an import permit under sub. (1) for an import shipment of fish or fish eggs, that~~
3 ~~person shall keep all of the following records related to that~~ an import shipment which of fish or
4 fish eggs, and shall be made make those records available to the department upon request:

5 (a) The import permit under sub. (1), if required.

6 **SECTION 91.** ATCP 10.655 (1) (a) is repealed.

7 **SECTION 92.** ATCP 10.655 (1) (b) is amended to read:

8 **ATCP 10.655 (1) (b)** The collection and reintroduction are approved, in writing, and
9 records of the movement are kept under sub. (2), by the Wisconsin department of natural
10 resources.

11 **SECTION 93.** ATCP 10.655 (2) is repealed and recreated to read:

12 **ATCP 10.655 (2) RECORDS.** The records of movement required under sub. (1) (b) shall be
13 maintained for at least 5 years and shall include all of the following:

14 (a) The correct legal name and address of the applicant.

15 (b) The location from which the fish or fish eggs will be collected.

16 (c) The location at which the fish or fish eggs will be reintroduced.

17 (d) The purpose for the reintroduction.

18 (e) Documentation showing that the department of natural resources has approved the
19 collection and reintroduction under sub. (1) (b).

20 (f) Documentation indicating that the reintroduction will comply with other requirements
21 under sub. (1) (c) to (e).

22 (g) Other relevant information required by the department.

1 **SECTION 94.** ATCP 10.655 (3) and (4) are repealed.

2 **SECTION 95.** ATCP 10.69 (2) (d) is amended to read:

3 **ATCP 10.69 (2) (d)** Sheep imported directly to a federally approved livestock ~~import~~
4 ~~market~~ marketing facility under s. ATCP 10.07 (4).

5 **SECTION 96.** ATCP 10.74 (1) and (Note) and (2) are amended to read:

6 **ATCP 10.74 (1) INITIAL CERTIFICATION.** The department may certify a herd of goats as an
7 accredited tuberculosis-free herd if the herd qualifies for that certification ~~under~~ using the bovine
8 tuberculosis uniform methods and rules.

9 **Note:** The bovine tuberculosis uniform methods and rules are on file with the department
10 and the legislative reference bureau. Copies may be obtained from the USDA website at:
11 www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be
12 obtained by writing to the following address:

13 Wisconsin Department of Agriculture, Trade and Consumer Protection
14 Division of Animal Health
15 P.O. Box 8911
16 Madison, WI 53708-8911

17 **(2) MAINTAINING CERTIFICATION.** To maintain a herd certification under sub. (1), a herd
18 owner shall comply with applicable requirements in the bovine tuberculosis uniform methods and
19 rules.

20 **SECTION 97.** ATCP 10.76 (1) (b) 4. is amended to read:

21 **ATCP 10.76 (1) (b) 4.** Goats imported directly to a federally approved livestock ~~import~~
22 ~~market~~ marketing facility under s. ATCP 10.07 (4).

23 **SECTION 98.** ATCP 10.80 (1) (intro.) is amended to read:

24 **ATCP 10.80 (1) (intro.)** CERTIFICATE OF VETERINARY INSPECTION. No Except as specified
25 under sub. (3), no person may import any dog or domestic cat into this state unless it is

1 accompanied by a valid certificate of veterinary inspection. The certificate shall indicate all of the
2 following:

3 **SECTION 99.** ATCP 10.80 (3) is created to read:

4 **ATCP 10.80 (3)** A certificate of veterinary inspection is not required under sub. (1) for any
5 of the following:

6 (a) A dog imported directly to a veterinary facility for treatment, provided that the dog is
7 returned to its place of origin immediately following treatment and there is no change of
8 ownership while the dog is in this state.

9 (b) A dog returning directly to its place of origin in this state following treatment in a
10 veterinary facility outside this state, provided that the dog was taken directly to the veterinary
11 facility and there was no change of ownership while the dog was outside the state for veterinary
12 treatment.

13 **SECTION 100.** ATCP 10.82 (3) (c) is repealed.

14 **SECTION 101.** ATCP 10.82 (4) (b) is renumbered to 10.82 (4) (b) (intro.) and amended to
15 read:

16 **ATCP 10.82 (4) (b)** Paragraph (a) does not apply to any of the following:

17 1. An exotic ruminant imported directly to an institution accredited by the association of
18 zoos and aquariums. An exotic ruminant imported to an accredited institution under this paragraph
19 may not be moved to any place ~~which~~ that is not an accredited institution under this paragraph,
20 unless the exotic ruminant tests negative on a brucellosis test conducted not more than 30 days
21 before the exotic ruminant is moved.

22 **SECTION 102.** ATCP 10.82 (4) (b) 2. is created to read:

1 **ATCP 10.82 (4) (b) 2.** An exotic ruminant that has been gelded.

2 **SECTION 103.** ATCP 10.86 is created to read:

3 **ATCP 10.86 Elephant imports. (1) CERTIFICATE OF VETERINARY INSPECTION.** No
4 person may import an elephant into this state unless a valid certificate of veterinary inspection
5 accompanies the animal. The certificate shall include the following information:

6 (a) The import permit number under sub. (2).

7 (b) A report of a negative tuberculosis test under sub. (3).

8 **(2) IMPORT PERMIT.** No person may import an elephant into this state without an import
9 permit under s. ATCP 10.07 (2).

10 **(3) TUBERCULOSIS TEST REQUIRED.** (a) Except as provided under par. (b), no person may
11 import an elephant into this state unless the elephant tests negative on a tuberculosis test that is
12 approved by the department. At least one approved tuberculosis test shall be conducted not more
13 than 365 days prior to the import date.

14 **Note:** To obtain a list of tuberculosis tests approved for elephants, contact the department
15 at the following address:

16 Wisconsin Department of Agriculture, Trade and Consumer Protection
17 Division of Animal Health
18 P.O. Box 8911
19 Madison, WI 53708-8911
20 Phone: (608) 224-4872

21 (b) Paragraph (a) does not apply to an elephant imported directly to an institution
22 accredited by the association of zoos and aquariums. An animal imported to an accredited
23 institution under this paragraph may not be moved to any place that is not an accredited institution
24 unless the animal tests negative on a tuberculosis test approved by the department. The test shall
25 be conducted not more than 365 days before the animal is moved.

1 (4) OWNER STATEMENT REGARDING TUBERCULOSIS EXPOSURE. No person may import an
2 elephant into this state without a written statement by the owner specifying that the elephant has
3 not been exposed to mycobacterium tuberculosis within 5 years prior to the date of import. If the
4 elephant has been exposed to mycobacterium tuberculosis within 5 years prior to the date of
5 import, the person may not import the elephant into this state unless the elephant has met
6 additional tuberculosis testing requirements specified by the state veterinarian.

7 **SECTION 104.** ATPC 10.87 (1) (b), (3) (b) 1., and (6) (a) are amended to read:

8 **ATCP 10.87 (1) (b)** Obtain, review, and keep in writing all of the information required
9 under sub. (2) (b). The organizer may keep the written information in electronic form ~~if it is~~
10 ~~received in that form~~. The organizer shall keep the information for at least 5 years, and shall make
11 it available to the department for inspection and copying upon request.

12 (3) (b) 1. The swine tested negative for pseudorabies in a pseudorabies test performed not
13 more than 30 days before the person ~~exhibits~~ moves the swine to the fair or exhibition.

14 (6) (a) Except as provided in par. (b), no person may exhibit any equine animal at a fair or
15 exhibition unless the exhibitor documents the animal has tested negative on an equine infectious
16 anemia test conducted within 12 months ~~of~~ from the date the blood was drawn for the test to the
17 date on which the animal is first exhibited.

18 **SECTION 105.** ATPC 10.91 (1) (intro.) is amended to read:

19 **ATCP 10.91 (1) SUMMARY ORDER.** (intro.) The department may, without prior notice or
20 hearing, order the destruction of, the return to premises of origin, or removal from this state of
21 animals moved into or within this state if any of the following apply:

22 **SECTION 106.** Ch. ATPC 10, Appendix B, is amended to read:

Chapter ATCP 10

APPENDIX B

Diseases Reported Within 10 Days

Multiple species diseases

Anthrax
Echinococcosis/hydatidosis
Heartwater
Leptospirosis
New world screwworm (*Cochliomyia hominivorax*)
Old world screwworm (*Chrysomya bezziana*)
Paratuberculosis also known as Johne's Disease
Q Fever

Fish diseases

Channel catfish virus
Enteric septicemia of catfish
Epizootic hematopoietic necrosis
Infectious hematopoietic necrosis
Largemouth bass virus
Mycobacteriosis infection
Oncorhynchus masou virus disease
Proliferative kidney disease
Spring viremia of carp
Streptococcus iniae
Viral hemorrhagic septicemia
Whirling disease (*Myxobolus cerebralis*)
White sturgeon iridovirus

Sheep and goat diseases

Caprine arthritis/encephalitis
Contagious agalactia
Contagious caprine pleuropneumonia
Enzootic abortion of ewes (ovine chlamydiosis)
Maedi-visna
Nairobi sheep disease
Ovine epididymitis (*Brucella ovis*)
Ovine pulmonary adenomatosis
Salmonellosis (*S. abortusovis*)
Scrapie

Swine diseases

Atrophic rhinitis of swine
Enterovirus encephalomyelitis
Porcine epidemic diarrhea virus (PEDv)
Porcine cysticercosis
Porcine reproductive and respiratory syndrome
Transmissible gastroenteritis
Trichinellosis

Bee diseases

Acariosis of bees
American foulbrood
European foulbrood
Nosemosis of bees

Varroosis

Lagomorph diseases

Myxomatosis
Rabbit hemorrhagic disease

Cattle diseases

Bovine anaplasmosis
Bovine babesiosis
Bovine spongiform encephalopathy
Bovine cysticercosis
Bovine genital campylobacteriosis
Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis
Dermatophilosis
Enzootic bovine leukosis
Hemorrhagic septicemia
Malignant catarrhal fever
Theileriosis
Trichomonosis
Trypanosomosis (tsetse-borne)

Equine diseases

Contagious equine metritis
Dourine
Epizootic lymphangitis
Equine infectious anemia
Equine influenza
Equine piroplasmosis
Equine herpes virus
Equine viral arteritis
Glanders
Horse mange
Horse pox
Japanese encephalitis
Surra (*Trypanosoma evansi*)
Venezuelan equine encephalomyelitis
West Nile Virus

Avian diseases

Avian infectious bronchitis
Avian infectious encephalomyelitis
Avian infectious laryngotracheitis
Avian mycoplasmosis (*M. gallisepticum*)
Avian tuberculosis
Duck virus enteritis
Duck virus hepatitis
Fowl cholera
Ornithosis (psittacosis)
Paramyxovirus infections of poultry other than Newcastle disease
Salmonellosis

Infectious laryngotracheitis

Fowl pox

Fowl typhoid

Marek's disease

Mycoplasma meleagridis

Infectious bursal disease (Gumboro disease)

Mollusc diseases

Haplosporidiosis (H. nelsoni or H. costale)

Bonamiosis

Marteiliosis

Mikrocytosis (Mikrocytos mackini)

Perkinsosis

Diseases of other animal species

Leishmaniasis

SECTION 107. Chapter ATCP 12 (Note) (2) (insert before s. ATCP 12.01 and after existing (Note)) is created to read:

Note: Requirements regarding federally approved livestock marketing facilities can be found under s. ATCP 10.07 (4), approved import feed lots under s. ATCP 10.22 (9), and intermediate livestock handling facilities under s. ATCP 10.22 (10).

SECTION 108. ATCP 12.01 (1g) and (8y) are amended to read:

ATCP 12.01 (1g) “Animal market” means any premises that are open to the public for the purpose of ~~buying or selling~~ trading in livestock or wild animals, and that have facilities to keep, feed, and water livestock or wild animals prior to sale.

(8y) “Federally approved livestock ~~import market~~ marketing facility” means an animal market that complies with s. ATCP 10.07 (4).

SECTION 109. ATCP 12.01 (11m) is renumbered 12.01 (11m) (intro.) and amended to read:

ATCP 12.01 (11m) “Individual” means any of the following, as applicable:

(b) When used as an adjective, separate and distinct from all others.

SECTION 110. ATCP 12.01 (11m) (a) is created to read:

ATCP 12.01 (11m) (a) When used as a noun, a natural person.

SECTION 111. ATCP 12.01 (20) (b) is renumbered 12.01 (20) (b) (intro.) and amended to read:

ATCP 12.01 (20) (b) (intro.) For farm-raised deer, ~~an~~ any of the following:

1. An official eartag ~~ear tag~~ attached to the animal.

SECTION 112. ATCP 12.01 (20) (b) 2. is created to read:

ATCP 12.01 (20) (b) 2. A federal bureau and department approved microchip implanted in the animal.

SECTION 113. ATCP 12.01 (20) (c) (intro.) is amended to read:

ATCP 12.01 (20) (c) For equine, a any of the following:

1. A written or graphic description by a licensed and accredited veterinarian sufficient to identify the individual equine including all of the following:

SECTION 114. ATCP 12.01 (20) (c) 1. to 7. are renumbered 12.01 (20) (c) 1. a. to g.

SECTION 115. ATCP 12.01 (20) (c) 2. and 3. are created to read:

ATCP 12.01 (20) (c) 2. A federal bureau and department approved microchip implanted in the animal.

3. Digital photographs sufficient to identify the individual equine.

SECTION 116. ATCP 12.01 (20) (f) and (g) 3. are amended to read:

ATCP 12.01 (20) (f) For swine weighing 80 pounds or less, a tattoo or eartag ear tag applied to the animal including a premises identification code or a state registered feeder pig premises tattoo number issued by the department or the authorized animal health agency in the state of origin, or an official eartag ear tag attached to the animal.

(g) 3. A unique tattoo or eartag applied to the animal including a unique premises identification code or state registered feeder pig premises tattoo number issued by the department or the authorized animal health agency in the state of origin, provided that the animal also bears an individual identification number unique to that premises, ~~or an official eartag attached to the animal.~~

SECTION 117. ATCP 12.01 (20) (g) 4. is created to read:

ATCP 12.01 (20) (g) 4. A tattoo on the ear or inner flank of any swine, if the tattoo has been recorded in the book of record of a swine registry association.

SECTION 118. ATCP 12.01 (20) (h) 2. and (25) are amended to read:

ATCP 12.01 (20) (h) 2. A federal bureau and department approved microchip if implanted in the animal; and the animal is registered with a breed registry, or if the animal is in a scrapie free flock certification program flock or herd. The animal must be accompanied by the animal's registration documents in the animal owner's name, or by a certificate of veterinary inspection with the implant number.

(25) "Slaughtering establishment" means a facility to slaughter animals ~~which that~~ is subject to licensing by the department, or that is subject to inspection by the United States department of agriculture. "Slaughtering establishment" includes all premises used in connection with a slaughter operation, including an intermediate livestock handling facility approved under s. ATCP 10.22 (10).

SECTION 119. ATCP 12.01 (26m) is created to read:

ATCP 12.01 (26m) "Trading in livestock or wild animals" means the trading, buying, selling, or swapping of livestock or wild animals.

SECTION 120. ATCP 12.02 (1m) (intro.), and (3) (c), (d), and (f) are amended to read:

ATCP 12.02 (1m) LICENSE EXEMPTIONS. (intro.) No license is required under sub. (1) for an occasional sale by a farm operator who buys or exchanges livestock solely for dairy, breeding, or feeding operations on that farm, or who sells only livestock produced or raised on that farm, or auction sale, conducted at a state, county, or district fair, and or sponsored by a

livestock breeder association or a youth agricultural organization, if records of the transactions at the sale are maintained by any of the following:

(3) (c) The types of animals traded, bought, or sold, or swapped at each animal market for which the person seeks a license.

(d) The class of license under sub. (2) that the person seeks for each animal market. A ~~person applying for a class B license shall identify the dates during the previous license year, if any, on which the person conducted livestock sales at the animal market.~~

(f) The fees required under sub. (4) and, if applicable, ss. ATCP 12.04 (4) and 12.045
(3).

SECTION 121. ATCP 12.02 (7) (i) is created to read:

ATCP 12.02 (7) (i) Violation of 9 CFR Part 201, relating to registration or bonding requirements of the packers and stockyards.

SECTION 122. ATCP 12.03 (2) (b) and (4) (d) are amended to read:

ATCP 12.03 (2) (b) A farm operator who buys or exchanges livestock solely for dairy, breeding, or feeding operations on that farm, or who sells only livestock produced or raised on that farm.

(4) (d) The fees required under sub. (5) and, if applicable, the fees under ss. ATCP 12.04 (4) and 12.045 (3).

SECTION 123. ATCP 12.03 (8) (i) is created to read:

ATCP 12.03 (8) (i) Violation of 9 CFR Part 201, relating to registration or bonding requirements of the packers and stockyards

SECTION 124. ATCP 12.04 (2) (b) is renumbered ATCP 12.04 (2) (b) 1.

SECTION 125. ATCP 12.04 (2) (b) 2. is created to read:

ATCP 12.04 (2) (b) 2. A person who transports livestock or wild animals solely as an employee of a person who owns those animals.

SECTION 126. ATCP 12.04 (9) (a) and (b) are amended to read:

ATCP 12.04 (9) (a) No animal trucker may cause or permit different species of animals to be commingled on the same animal transport vehicle or enclosure.

(b) No animal trucker may transport diseased or downer animals with healthy animals on the same animal transport vehicle, unless the entire load is transported directly to a slaughter establishment. If downer animals and other animals are transported to a slaughter establishment in the same animal transport vehicle, the downer animals shall be segregated, or separated by a rigid barrier, from the other animals to prevent injury.

SECTION 127. ATCP 12.05 (1) (a) is amended to read:

ATCP 12.05 (1) (a) *Official individual identification.* Whenever an animal dealer or animal market operator receives a bovine animal, the animal dealer or market operator shall immediately record the animal's official individual identification. If a bovine animal has no official individual identification at the time of receipt, the animal dealer or market operator shall immediately identify that animal with an official individual identification. This paragraph does not apply to steers, calves under 6 months old, or feeder cattle, or bovine animals that are backtagged for slaughter under par. (b) 1.

SECTION 128. ATCP 12.05 (1) (b) is renumbered ATCP 12.05 (1) (b) 1.

SECTION 129. ATCP 12.05 (1) (b) 2. is created to read:

ATCP 12.05 (1) (b) 2. Any animal dealer or animal market operator that has a bovine animal that is backtagged for movement to slaughter under subd. 1., but shipment to slaughter does not occur, shall immediately identify that bovine animal with an official individual identification, if not already applied, and record that official individual identification number.

SECTION 130. ATCP 12.05 (2) (a) is amended to read:

ATCP 12.05 (2) IDENTIFICATION OF SWINE. (a) *Official individual identification.*

Whenever an animal dealer or animal market operator receives any swine, the animal dealer or market operator shall immediately record the official individual identification of that swine. If a swine has no official individual identification at the time of receipt, the animal dealer or market operator shall immediately identify that swine with an official individual identification. This paragraph does not apply to swine ~~which~~ that are backtagged for slaughter under par. (b) 1.

SECTION 131. ATCP 12.05 (2) (b) is renumbered ATCP 12.05 (2) (b) 1. and as renumbered, is amended to read:

ATCP 12.05 (2) (b) *Slaughter identification.* 1. Whenever an animal dealer, animal market operator, or animal trucker receives any sow, boar, or stag for sale or shipment to slaughter, that person shall immediately identify the swine with an official swine ~~backtag~~ back tag or ~~premises identification ear tag~~ premises identification ear tag and record the ~~backtag~~ back tag or ~~ear tag~~ ear tag number, if the swine is not already identified according to par. (a). If a sow, boar, or stag is already identified according to par. (a), or backtagged or tagged with a premises identification ear tag at the time of receipt, the person receiving the swine shall record its official identification ~~or backtag~~ or ear tag number.

SECTION 132. ATCP 12.05 (2) (b) second (Note) is amended to read:

ATCP 12.05 (2) (b) Note: If an animal dealer or trucker hauls swine direct to slaughter or to a slaughter sale held at a licensed market, an official ~~backtag~~ back tag or premises identification ear tag is adequate identification for the animal.

SECTION 133. ATCP 12.05 (2) (b) 2. is created to read:

12.05 (2) (b) 2. Any animal dealer or animal market operator that has an animal that is backtagged for movement to slaughter under subd. 1., but shipment to slaughter does not occur, shall immediately identify that animal with an official individual identification, if not already applied, and record that official individual identification number.

SECTION 134. ATCP 12.06 (1m) (bc) and (1s) (c) are repealed.

SECTION 135. ATCP 12.08 (10) is amended to read:

ATCP 12.08 (10) Receive interstate shipments of bovine animals or swine as a federally approved livestock ~~import-market~~ marketing facility unless the market qualifies as a federally approved livestock ~~import-market~~ marketing facility under s. ATCP 10.07 (4).

SECTION 136. ATCP 12.08 (27) is created to read:

ATCP 12.08 (27) Use electric prods on neonatal or other baby animals or hit such animals with any type of solid object that may cause injury, pain or stress to the animal.

SECTION 137. ATCP 12.09 is created to read:

ATCP 12.09 Waiver. The department may, in response to a written request, grant a written waiver from a requirement under this chapter if the department finds that the waiver is reasonable and necessary, is consistent with objectives of this chapter, and will not conflict with state law. The waiver shall be issued in writing, shall include the department's findings, and shall include the specific terms of the waiver, including any time limit on the waiver. A request for a waiver shall include information to show that the waiver is justified under this section. The

state veterinarian, or that person's designee, shall sign each waiver under this section. The department may not grant a waiver from a statutory requirement.

SECTION 138. (Note) to LRB: Throughout chs. ATCP 10 and 12, change the terms "backtag" to "back tag," "eartag" to "ear tag," and "feedlot" to "feed lot."

SECTION 139. EFFECTIVE DATE. This rule takes effect on the first day of the third month after publication.

Dated this _____ day of _____, 2016.

WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
Ben Brancel
Secretary